

**THE LABOR COMMISSION  
WORKERS' COMPENSATION ADVISORY COUNCIL**

**Wednesday, April 29, 2015 – 12:00 P.M.  
Room 319A, Utah Labor Commission Offices  
Salt Lake City, Utah**

**The following Advisory Council members were in attendance:**

Hans Scheffler, Workers Compensation Fund (for Ray Pickup)  
Tracy Klausmeier, Utah Dept of Insurance  
Todd Bingham, President, Utah Manufacturers Association  
Jeff Rowley, Salt Lake County  
Rich Thorn, Associated General Contractors  
Sen. Karen Mayne  
K. Dawn Atkin, Esq., Atkin & Associates  
David Bird, Esq., Parsons Behle and Latimer  
Brian Kelm, attorney  
Reo Castleton, President, SL Cnty Fire Dept Local 1696  
Kathleen Bissell, Liberty Mutual (by Phone)

**The following Advisory Council members were excused:**

Rep. Jim Dunnigan  
Dave Davis, President, Utah Food Industry Association  
Brandon Dew, Central Utah Federation of Labor  
Edward Holmes, M.D., Summit View Medical  
Brandt Goble, Painters and Tapers Local 77

**Others Present:**

Sherrie Hayashi, Commissioner  
Jaceson Maughan, Deputy Commissioner  
Ron Dressler, Division Director, Industrial Accidents, Labor Commission  
Sara Danielson, Utah Labor Commission, Administrative Assistant  
Stan Mead  
Scott Mecham, GOMB  
Jodi Smith  
Jill Hunt  
Julia Sund  
Sarah Witton  
Dr. Alan Colledge, Medical Director, Industrial Accidents

**WELCOME**

**Welcome –Commissioner, Sherrie Hayashi** brought the meeting to order at 12:05 p.m. Commissioner Hayashi welcomed everyone.

**Miscellaneous Business:**

Commissioner Hayashi asked for a motion to approve the minutes of the last Advisory Council Meeting. Dawn Atkin moved to approve, Jeff Rowley seconded the motion. Voting was unanimous in the affirmative.

**2015-2016 Medical Fees:**

Dr. Alan Colledge presented the Medical Fee Committee's review and recommendations for the 2016 medical fee conversion factors. The Committee recommended that the conversion factors for Utah

remain the same for the 2016 Calendar year. Dr. Colledge stated that there would be 0.0% impact on workers' compensation premiums. He stated that there seem to be sufficient providers willing to take workers compensation patients.

Dawn Atkin moved to approve the Committee's recommendation to leave the Utah Conversion Factors the same for the 2016 calendar year. Reo Castleton seconded the motion. Voting was unanimous in the affirmative.

**Update on "reasonable" hospital fees options:**

Ron Dressler stated that in the next couple of weeks, he would be sending out a memo to the Council members explaining and recommending a definition of "reasonable" when it comes to no contracted hospital fees. This memo would be the beginning for the serious discussion at the next Council meeting relating to hospital fees.

**Legislation and Rules:**

Deputy Commissioner Jaceson Maughan presented a rule change to the attorney fee rule. He stated that the fees were being adjusted based on the average weekly wage. For cases before the Commission, the fee would go from \$18,101 to \$18,590; for cases that go to the Court of Appeals, the fee would go from \$26,224 to \$26,819; and for case that go to the Supreme Court, the fee would go from \$32,048 to \$32,913.

Dawn Atkin moved that this rule change be accepted. Todd Bingham seconded the motion. Voting was unanimous in the affirmative.

Brian Kelm made a motion to have the rule be changed next year to automatically change the fees if the average weekly wage changes. He stated that the language could be similar to the language regarding TTD benefits. He also asked if the attorney fee levels could be added to the quick reference grid published by the Division. Dawn Atkin seconded the motion. Voting was unanimous in the affirmative.

Deputy Commissioner Maughan reviewed the legislation that passed during the last session. Senator Mayne expressed her appreciation for the efforts of the council on the Firefighters presumption bill that passed. Deputy Commissioner Maughan also mentioned that SB111 relating to Utah OSHA and multi-employer worksites also passed.

Deputy Commissioner Maughan asked if there were any matters that needed to be considered for the 2016 session. There were none mentioned.

**Labor Commission Budget / Premium Surcharge Funds:**

Dave Lamb reviewed the financials for the ERF, UEF, IARA and the Workplace Safety Accounts. He distributed a handout.

**Update on ERF Annuitization:**

Ron Dressler explained that an RFI has been completed. An RFP has been completed with Deloitte Consulting. Deloitte Consulting is currently reviewing the information received from the RFI and should be providing the first draft of their report shortly. Upon review of the draft report, the Commission may request clarification. The Commission will provide the council with the final report prior to holding discussions at a council meeting.

**Other Business:**

The next council meeting is scheduled for July 8, 2015, Jeff Rowley stated he would not be able to attend. The meeting after July will be September 9, 2015, Todd Bingham stated he would not be able to attend.

Dawn Atkin moved to adjourn. Brian Kelm seconded the motion. Voting was unanimous in the affirmative.

Meeting adjourned at 12:55 pm.